

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE INSULIN PRICING LITIGATION

Case No. 3:17-cv-699 (BRM) (LHG)

ORDER

THIS MATTER is opened to the Court by Defendant Novo Nordisk, Inc., Defendant Sanofi-Aventis U.S. LCC, and Defendant Eli Lilly and Company's (collectively, "Defendants") Partial Motion to Dismiss the putative plaintiffs' ("Plaintiffs") Second Amended Class Action Complaint ("Second Amended Complaint"). (ECF No. 263.) Having reviewed the submissions filed in connection with the motions, for the reasons set forth in the accompanying opinion and for good cause shown,

IT IS on this 20th day of February 2020,

ORDERED that Defendants' Motion to Dismiss is **DENIED** as to Counts Ten and Forty-Five; and it is further

ORDERED that Defendants' Motion to Dismiss is **DENIED** as to the New Insulin Claims;¹ and it is further

ORDERED that Defendants' Motion to Dismiss is **GRANTED** as to Counts One, Two, Six, Fifteen, Twenty-Eight, Forty-Seven, and Forty-Eight; and it is further

ORDERED that Defendants' Motion to Dismiss is **GRANTED** to the extent Plaintiffs seek disgorgement and restitution as to Count Nine; and it is further

¹ The "New Insulin Claims" were defined by the Court in the accompanying opinion as "all claims relating to Tresiba, Fiasp, and Basaglar."

ORDERED that Defendants' Motion to Dismiss is **GRANTED** to the extent Plaintiffs seek injunctive relief as to Count Twenty-One; and it is finally

ORDERED that Defendants' Motion to Dismiss is **GRANTED** to the extent Plaintiffs seek an award of monetary damages as to Count Twenty-Seven.

s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE